

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TCP PRINTING CO., LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15-CV-178 JAR
)	
ENTERPRISE BANK & TRUST,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Enterprise Bank & Trust’s Motion and Proposed Bill of Costs. (Doc. No. 96). On September 29, 2017, after conducting a bench trial on April 24 and 25, 2017, this Court granted judgment in favor of Defendant Enterprise Bank & Trust and against Plaintiff TCP Printing Co., LLC. (See Doc. No. 95). On October 20, 2017, Enterprise Bank & Trust filed its motion for Bill of Costs, asserting that it is entitled to costs pursuant to Rule 54 and 28 U.S.C. § 1920 in the amount of \$13,018.17. TCP Printing filed no objection to the bill of costs, but appealed the judgment on October 31, 2017. (See Doc. No. 98). Local Rule 54 requires the Clerk to tax costs, and makes no exception for cases in which an appeal is pending. E.D. Mo. L.R. 54-8.03(3) (“The Clerk will tax costs as claimed in the bill if no timely objection is filed.”). See also Blakley v. Schlumberger Tech. Corp., 648 F.3d 921, 930 (8th Cir. 2011) (citing Lorenz v. Valley Forge Ins. Co., 23 F.3d 1259, 1260–61 (7th Cir. 1994) (holding that, because “costs are appealable separately from the merits,” a court still has the power to award costs when an appeal on the merits is pending)). As no timely objection to the Bill of Costs was filed, the Court will direct the Clerk to tax costs as claimed in the Bill. The Court will further order that execution on this Bill of Costs award be stayed pending the

resolution of TCP Printing's appeal. Starr Indem. And Liability Co. v. Continental Cement Co., No. 4:11-CV-809-JAR, 2013 WL 3154009, at *4 (E.D. Mo. Jun. 21, 2013).

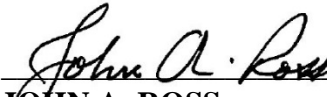
Accordingly,

IT IS HEREBY ORDERED that Defendant Enterprise Bank & Trust's Bill of Costs [96] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall tax costs against Plaintiff TCP Printing Co., LLC and in favor of Defendant Enterprise Bank & Trust in the amount of \$13,018.17.

IT IS FINALLY ORDERED that execution on this Bill of Costs award be **STAYED** pending the outcome of TCP Printing's appeal.

Dated this 9th day of November, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE